

A bill for the relief of Wm. E. Howth, and had concurred in the amendments of the House to the bill concerning offences committed by negroes.

On motion of Mr. Tarver, the House adjourned until half-past 9 o'clock, to-morrow morning.

AUSTIN, Tuesday, February 1, 1853.

House met—roll called—quorum present.

Absentees: Messrs. Bee, Bryan of Brazoria, Browder, Coles, Crockett, Edwards, Evans of Austin, Hamilton, Hooker, Howard, Jowers, Neal, Neighbors, Randolph, Rowe, Scott, Sims, Tankersly and Titus.

#### PETITIONS.

Mr. Doom presented the petition of James A. and Dicy Craige, praying relief; referred to the committee on Private Land Claims, No. 2.

Mr. Stapp presented the petition of John Mills, praying relief; referred to committee on Private Land Claims, No. 2.

Mr. Throckmorton presented the memorial of sundry medical gentlemen, praying the incorporation of the "Texas Medical Association;" referred to a Select committee composed of Messrs. Throckmorton, Jowers and Taylor of Harrison.

Mr. Palmer presented the petitions of John Carr and Jesse C. Phelon; referred to the committee on Private Land Claims, No. 2.

#### REPORTS OF STANDING COMMITTEES.

The committee on the Judiciary made the following report:

COMMITTEE ROOM, February 1, 1853.

To the Hon. DAVID C. DICKSON,

*Speaker of the House of Representatives:*

The committee on the Judiciary, to whom was referred a bill to be entitled an act to enable Fisher & Miller to perfect titles to the land for which certificates have been issued to them, within the limits of Fisher & Miller's Colony, have considered the same, and a majority of the committee have instructed me to report the bill back to the House and recommend its passage. All of which is respectfully submitted.

B. E. TARVER, Chairman.

The committee on Finance made the following report:



COMMITTEE ROOM, January 31, 1853.

To the Hon. DAVID C. DICKSON,

*Speaker of the House of Representatives:*

The committee on Finance, to whom was referred a bill to be entitled an act supplementary to an act entitled an act to provide for the erection of a State Capitol, find on examination that the additional sum of fifty thousand dollars is necessary to the completion of the Capitol, in the style in which it has thus far been built. In order to finish the building in a suitable manner, the blanks in the bill should be filled with fifty thousand dollars. All of which is respectfully reported.

GUY M. BRYAN, Chairman.

The committee on Public Lands made the following report:

To the Hon. D. C. DICKSON,

*Speaker of the House of Representatives:*

The committee on Public Lands, to whom was re-referred a bill to be entitled an act to define the boundary lines of Bexar, Milam and Fannin Land Districts, have had the same under consideration, and have instructed me to report the accompanying substitute for the original bill and recommend its passage.

W. F. EVANS, Chairman.

Report, bill and substitute received to come up in their order.

Mr. Throckmorton moved to suspend the rule in order that the bill might be further considered; carried.

The substitute was then read, when Mr. Taylor of Fannin offered the following amendment:

Add, "that all that portion of Texas lying north of Red River be, and the same is hereby attached to and made a part of the Fannin Land District."

Mr. Neighbors moved to lay the amendment on the table; lost.

On motion of Mr. Taylor of Fannin, the bill and amendment were laid on the table.

The committee on Claims and Accounts made the following report:

COMMITTEE ROOM, January 31, 1853.

Hon. DAVID C. DICKSON,

*Speaker of the House of Representatives:*

The committee on Claims and Accounts, to whom was referred a bill for the relief of Robert Fry and Lodowick Fry, also, the petition of Dr. L. H. W. Johnson, and the petition of



Caesar Monod, and a bill for the relief of William Smith and the petition of Leander Westcott, all of which upon examination, find to be claims against the late Republic of Texas, and have not been presented to the auditorial board. They think they should not grant the relief asked for, without a repeal of the statute of limitation. The committee, therefore, direct me to report the same back to the House, and ask to be discharged from the further consideration of the same; which is respectfully submitted.

J. WREN, Chairman.

The committee on Private Land Claims, No. 1, made the following report:

COMMITTEE ROOM, February 1, 1853.

To the Hon. DAVID C. DICKSON,

*Speaker of the House of Representatives:*

The committee on Private Land Claims, No. 1, to whom was referred the petition of the heirs of Christopher Zumault, deceased, have had the same under consideration, and from the proof it appears that Christopher Zumault emigrated to Texas in the year 1827; that he afterwards died without receiving the quantum of land to which he was entitled, and it is further shown that his heirs have never received any land. I am, therefore, instructed by the committee to report the following bill and recommend its passage.

H. M. LAWSON, Chairman.

Report and bill received to come up in their order.

The committee on Internal Improvements made the following report:

COMMITTEE ROOM, February 1, 1853.

Hon. D. C. DICKSON,

*Speaker of the House of Representatives:*

A majority of the committee on Internal Improvements, to whom was referred a bill from the Senate making an appropriation for the improvement of the rivers of the State, do not think proper to object to submit such a bill to a vote of the people, and I am, therefore, instructed to report the same back to the House and recommend its passage.

JOSEPH TAYLOR, Chairman.

The committee on Private Land Claims, No. 2, made the following report:

Hon. DAVID C. DICKSON,

*Speaker of the House of Representatives:*

Your committee on Private Land Claims, No. 2, to whom



were referred the several petitions of Alph. D. Neill, William Roberts and John W. McKinney, praying a headright of 320 acres of land each, have had the same under consideration, and from the information embraced in their own petitions, it is evident that they are not entitled, under the law of 1839, to the land for which they apply. The petition of Alpheus D. Neill shows him, in the year 1842, (when the law of 1839 expired by its own limitation), to have been only fifteen years of age; that of William Roberts, that he was only fourteen years, and that of John W. McKinney, that he was only thirteen years of age. None of them having attained the age of seventeen years previous to the expiration of the law of 1839 aforesaid, the evidence is conclusive that they are not entitled to land. The committee have, therefore, informed me to report unfavorably upon each and severally their claims, and ask to be discharged from the further consideration of the same.

N. B. CHARLTON, Chairman.

The committee on Public Lands made the following report:  
To the Hon. D. C. DICKSON,

*Speaker of the House of Representatives:*

The committee on Public Lands, to whom was referred a bill authorizing District Surveyors to appoint deputies, have had the same under consideration, and have instructed me to report the bill back to the House, without amendments, and recommend its passage.

W. F. EVANS, Chairman.

The committee on Enrolled Bills made the following report:

February 1, 1853.

To the Hon. D. C. DICKSON,

*Speaker of the House of Representatives:*

The committee on Enrolled Bills instruct me to report to the House, that an act to incorporate and establish St. Paul's College, with the signatures of the Speaker and President of the Senate, was, on the 31st January, 1853, presented to His Excellency, the Governor, for his approval.

BENJ. F. TANKERSLY.

## BILLS AND RESOLUTIONS.

Mr. Hord introduced a bill to regulate the election of District Surveyors; read first time.

On motion of Mr. Stapp, the rule regulating the general order of business was suspended, bill read second time and ordered to be engrossed.



On motion of Mr. Hord, the rule was further suspended, bill read third time and passed.

Mr. Dunlap introduced a joint resolution relative to a further treaty with the Republic of Mexico; read first time.

On motion, the rule was suspended, resolution read second time and referred to the committee on State Affairs.

On motion of Mr. Scott, the bill relative to certain special liabilities reported by the Auditor and Comptroller, and confirmed by the Legislature, was taken up; read third time and passed.

The committee on Engrossed Bills reported that they had examined and found correctly engrossed, a bill to incorporate the Victoria and Indianola Plank and Turnpike Road Company; a bill to give certain criminal and civil jurisdiction to the mayor of the town of Washington.

A message was received from the Senate, informing the House that the Senate had passed a joint resolution proposing an amendment to the Constitution, and had concurred in the amendment of the House to adjourn *sine die* on Monday, the 7th instant.

On motion of Mr. Hood, the rule was suspended, and a bill to establish the New Orleans, Texas and Pacific Railroad Company, for the extension of the New Orleans and Great Western Railroad through Texas, was taken up and read.

When Mr. Doom proposed the following amendment:

Additional section—"Provided said railroad shall not cross Sabine river within the following limits: between 30 deg. 30 min., and 32 deg. 30 min., and that said charter shall in no wise conflict or interfere with a charter granted at the last session of the legislature, known as the New Orleans, Texas and Pacific Railway Company, approved Feb. 16, 1852."

Mr. Pollock proposed the following as a substitute for Mr. Doom's amendment:

Insert after the word "river," in 3d line, second section:—"at the most practicable point on said river, between 30 deg. 30 min., and 32 deg. 10 min., north latitude."

On motion of Mr. A. J. Hood, the bill and amendments were laid upon the table.

Mr. Lawson moved the reconsideration of the vote taken on yesterday, rejecting the bill for the relief of John Sise and others therein named; carried.

On motion of Mr. Lawson, the bill was re-referred to the committee on Private Land Claims, No. 2.

Mr. Browder moved to take up a bill to authorize the county



court of El Paso county to appoint the place of holding District Courts in said county, and defining the time of holding the District Courts in the eleventh judicial district, approved December 24, 1851; carried, and bill read.

On motion, the rule was suspended, bill read third time and passed.

Mr. Stapp introduced a bill to be entitled an act for the relief of actual settlers on St. Joseph's Island; bill read first time.

On motion of Mr. Stapp, rule suspended, bill read second time; and on motion of Mr. Scott, referred to Judiciary committee.

On motion of Mr. Scott, the House proceeded to the consideration of the business on the Speaker's table, and to the

### ORDERS OF THE DAY.

A bill to provide for the investment of the special school fund in the bonds of the railroad companies incorporated by the State, not having been disposed of when the House adjourned on yesterday, again came up for consideration.

Question pending on Mr. Hartley's substitute for Mr. Tarver's amendment, upon which the yeas and nays were taken and stood thus:

YEAS—Messrs. Speaker, Bee, Camp, Cannon, Charlton, Crabb, Daggett, Edwards, Evans of B., Evans of P., Evans of A., Fields, Flanagan, Hartley, Hardeman of C., A. J. Hood, Jowers, Lawson, Mabry, Maverick, McDade, McFarland, Neighbors, Palmer, Pollock, Rains, Randolph, Reid, Rossy, Rowe, Scott, Speights, Stapp, Taylor of H., Thomson, Throckmorton and Turner—37.

NAYS—Messrs. Andrews, Bryan of B., Browder, Crockett, Doom, Dunlap, Hamilton, Hardeman of N., Hooker, Hord, Neal, Patrick, Runnels, Sims, Stewart, Tankersly, Tarver, Taylor of F. and White—19.

So the amendment was adopted.

The amendment as substituted was then adopted.

When Mr. Palmer proposed the following amendment:

Add at the end of tenth section—"or said road may, if necessary, by the Governor be sold and purchased for the satisfaction of said interest, as provided in the 11th and 12th sections of this act."

Mr. McFarland offered the following as a substitute for Mr. Palmer's amendment:

Strike out of the 10th section all after the second line, and



insert: "the principal of said bond or bonds shall become immediately due, and such proceedings had thereon as is hereafter provided for."

Pending these amendments, on motion of Mr. Hamilton, the House adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

House met—rolled called—quorum present.

A bill to provide for the investment of the special school fund in the bonds of railroad companies incorporated by the State, still being under consideration.

Question pending on Mr. McFarland's substitute for Mr. Palmer's amendment.

Mr. Palmer accepted the substitute of Mr. McFarland for his amendment.

On motion of Mr. Hamilton, a call of the House was ordered and made, and the Sergeant at-Arms despatched for absentees.

Sundry motions were made to suspend the call, and refused.

After which, on motion, the call was suspended.

The question then recurring on the adoption of the amendment as substituted, was put and carried.

Mr. Palmer then proposed the following amendment:

Strike out section 15, and in its place insert—"That the Governor of the State shall cause this law to be published in at least one of the public prints of the State, for three months before the next general election of representatives, and to be submitted at said election to the people for their rejection or adoption; and it shall be the duty of the returning officers, at the next general election, to open a poll for the names of all those voting for representatives who vote on this act, and return the same as other election returns; and those casting their votes "for investment of special school fund," shall be counted as voting for this act, and those casting their votes "against investment of special school fund," as voting against it; and if upon the return of said votes it shall appear that a majority of all the qualified electors voting upon this act have voted in favor of it, the same shall become a law and take effect, and be in force from and after its acceptance by the people."

On motion, a call of the House was ordered and made.

On motion, the call was suspended.

Mr. Fields proposed the following as a substitute for the amendment offered by Mr. Palmer:

Strike out section 15, and insert: "Sec. 15. This act shall be submitted to a direct vote of the people, and shall only have



force and effect when a majority of the votes cast at some general election shall be given in favor thereof. To test the sense of the people on this subject, it shall be the duty of the Governor to order an election to be held thereon, on the first Monday in August, 1853, when it shall be the privilege of each and every voter to write upon his ballot his approval or disapproval of the law loaning two millions of dollars to railroad companies, by saying "for the loan," or "against the loan," or some words of like import. The result shall be returned as other election returns, to the respective chief-justices, whose duty it shall be forthwith to make return thereof to the Secretary of State, who shall, in presence of the Governor, on the sixtieth day after election, open, count and declare the vote.—If a majority of the votes given for Governor are in favor of the law, it shall take effect from the date of the Governor's proclamation announcing that fact."

Accepted by Mr. Palmer.

A message was received from the Senate, informing the House that the Senate had passed a bill for the benefit of the heirs of H. P. Chamberlain, deceased, originating in the House;

A bill to authorize the issuance of duplicate certificates of the Auditor and Comptroller of the State of Texas, with amendments;

A bill for the relief of Andrew J. Walker;

A bill supplementary to an act relating to land in Peters' Colony, approved February 10, 1852; and,

A bill to incorporate the Trinity Turnpike Company, originating in that body.

On motion of Mr. Throckmorton, the bill and amendments under consideration were made a special order of the day for 11 o'clock, to-morrow morning.

On motion of Mr. Tankersly, the House adjourned until half-past 9 o'clock A. M., to-morrow.

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AUSTIN, Wednesday, February 2, 1853.

House met—roll called—quorum present.

Absentees: Messrs. Andrews, Bee, Camp, Crockett, Flanagan, Hamilton, Hartley, Howard, Neighbors, Patrick, Pollock, Reid, Rossy, Rowe, Thomson and Titus.

#### PETITIONS.

Mr. Neal presented the petition of John B. Houghtaling, and, on motion, referred to the committee on Public Debt.